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AUG 30 2002

OFFICE OF PETITIONS

In re Application of
Ludwig, et al.
Application No. 09/927,920
Filed: August 10, 2001
Attorney Docket No. 1017-015US01
Title: PRODUCT IDENTITY
PRESERVATION AND TRACING

DECISION ACCORDING STATUS
UNDER 37 CFR 1.47(a)

This is in response to the "Request for Reconsideration of
Petition Under 37 CFR 1.47(a)", filed June 24, 2002 (Certificate
of Mailing dated June 17, 2002).

The petition under 37 CFR 1.47(a) is GRANTED.

The above-identified application was filed on August 10, 2001,
without an executed oath or declaration. Accordingly, on
September 28, 2001, the Initial Patent Examination Division
mailed a Notice to File Missing Parts of Nonprovisional
Application. This Notice set a two month period for reply.

On January 16, 2002 applicant filed the a petition under 37 CFR
1.47(a) and paid the surcharge for late filing of the
declaration. To make timely this reply, applicant purchased a
one month extension of time. Rule 47 applicant's reply consisted
of an affidavit by Peter M. Reyes, Jr., attorney for Cargill,
Inc. In the affidavit, attorney Reyes detailed how on two
occasions an Assignment and Declaration/Power of Attorney were
forwarded to inventor Nelson for his signature. In addition, the
affidavit stated that Mr. Nelson has to date not returned the
forms.

A grantable petition under 37 CFR 1.47(a) requires: (1) proof
that the non-signing inventor cannot be reached after diligent
effort or refuses to sign the oath or declaration after having
been presented with the application papers (specification,
claims, drawings, oath or declaration); (2) an acceptable oath or
declaration in compliance with 37 CFR 1.63; (3) the petition fee;
and (4) a statement of the last known address of the non-signing
inventor.

The January 16, 2002 petition was dismissed in a decision mailed on April 17, 2002 because petitioner was not successful in showing that the entire application papers had been sent to the nonsigning inventor for his review. However, the instant petition included an affidavit from Reyes stating that the entire application papers were forwarded to nonsigning inventor Nelson for his review on May 13, 2002. No response from Nelson has been received.

While applicant has not supplied a statement of the last known address of the non-signing inventors, the address listed on the declaration is assumed to be the last known address. Applicant must notify this Office if this is not the last known address of non-signing inventor Nelson.

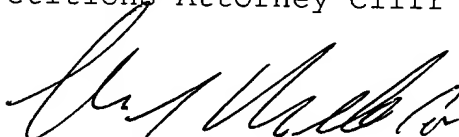
The declaration filed January 16, 2002 and the instant petition has been found to be in compliance with 37 CFR 1.47(a).

The application is hereby accorded Rule 1.47 status.

As provided in 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

The application file is being forwarded to the Office of Initial Patent Examination for completion of pre-examination processing.

Telephone inquiries regarding this decision should be directed to Petitions Attorney Cliff Congo at (703) 305-0272.



Beverly M. Flanagan
Supervisory Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy